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PATENT & TRADEMARK OFFICE

3673

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

		Application Number	09/936,457 based on PCT/GB00/00917
		Filing Date	March 12, 2002
		First Named Inventor	Ian James Whitworth
		Group Art Unit	3673
		Examiner Name	R.G. Santos
Total Number of Pages in This Submission	4	Attorney Docket Number	2308/250

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**GROUP 360**

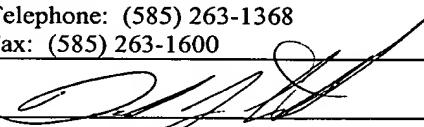
**ENCLOSURES (check all that apply)**

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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> A copy of the Notice to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	David J. Cutitta, Esq. Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1368 Fax: (585) 263-1600
Signature	 Registration No. 52,790
Date	November 3, 2003

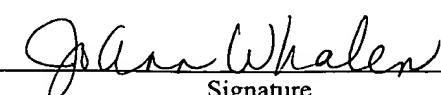
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November 3, 2003  
Date

  
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Jo Ann Whalen  
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2308/250

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Ian James Whitworth	)
Serial No	:	09/936,457 based on PCT/GB00/00917	)
Cnfrm No	:	4123	)
Filed	:	March 13, 2000	)
For	:	METHOD AND APPARATUS FOR MANUFACTURING INNERSPRING ASSEMBLIES	)

Examiner:  
R.G. Santos  
Art Unit:  
3673

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GROUP 3600

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the October 2, 2003, office action, applicants hereby elect Group I, drawn to a method for the manufacture of an innerspring assembly, as set forth in claims 1-11, 22 and 23, with traverse for the following reasons.

The Office asserts that restriction is proper between Group I, Group II, and Group III, wherein Group II includes claims 12-21, and Group III includes claims 24 and 25. The Office asserts that restriction is proper because Groups I, II and III do not relate to a single general inventive concept since they lack the same or corresponding special technical features as set forth under PCT Rule § 13. Further, the Office asserts that Group I lacks the specific structure of the apparatus as recited in Group II, and Group III lacks the particular method steps and structure as recited in Groups I and II respectively.

Under PCT Rule § 13, unity of invention is present where "there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature." Applicants submit that Group II, claim 12 sets forth the following special technical features of:

- A plurality of adhesive applicators
- Means for positioning a first string of pocketed coil springs in juxtaposition with the applicators
- Means for bringing the first string into contact with a second string
- The applicators are disposed in mutually fixed relation on an axis parallel to a longitudinal axis of the first string

Corresponding features are all present in Group I, claim 1 as follows:

“A method for the manufacture of an innerspring assembly, which method comprises the steps of:

- a) positioning a first string of pocketed coil springs in juxtaposition with a plurality of adhesive applicators disposed in mutually fixed relation on an axis parallel to a longitudinal axis of said first string;
- b) applying adhesive from said adhesive applicators to said first string of pocketed coil springs, and
- c) bringing said first string into adhesive contact with a second string of pocketed coil springs.”

As such, the above-identified special technical features clearly establish a “technical relationship” between Groups I and II. Accordingly, the restriction at least between Groups I and II is improper, and therefore should be withdrawn for this reason alone.

Additionally, 37 CFR 1.475 (b) (5) states “An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories: A product, a process specially adapted for the manufacture of said product, and an apparatus or means specifically designed for carrying out said process.” Claim 12 in Group II describes an “Apparatus for use in the manufacture of an innerspring assembly, which apparatus comprises a plurality of adhesive applicators, means for positioning a first string of pocketed coil springs in juxtaposition with said plurality of adhesive applicators”. Claim 24 of Group III describes “An innerspring assembly which comprises strings of pocketed coil springs, said strings being joined by adhesive applied to abutting surfaces of the pockets of adjacent strings, wherein the quantity and/or distribution of adhesive applied to the pockets of adjoining strings is non-uniform.” Similarly, claim 25 describes a product with non-uniform

application of adhesive to the pockets of strings. Finally, claim 1 describes a method for manufacture of an innerspring assembly as discussed above. Thus, claims 24 and 25 of Group III describe a product, while Group I describes a process specially adapted for the manufacture of said product, and Group II describes an apparatus specifically designed for carrying out said process. This assertion is supported by the above-identified application which states at pg. 2, line 26 – pg. 3, line 2, “The method according to the invention is advantageous primarily in that, because a plurality of adhesive applicators are used, the amount and/or distribution of adhesive applied to each individual pocket may be varied, thereby enabling control of the firmness of regions of the innerspring assembly”. Thus, Group I describes a method for varying distribution of adhesive applied to individual pockets, while Group III describes a product containing pockets with varying distribution of adhesive and Group II describes an apparatus specifically designed for application of varying amounts of adhesive. As such, the above-identified special technical features clearly establish “unity of invention” between Groups I, II and III. Accordingly, the restriction between Groups I, II and III is improper and should be withdrawn.

Applicants submit that examining Groups I, II and III together in one application is proper and places no undo burden upon the Office. Therefore, Applicants respectfully request the Office to withdraw the Restriction Requirement with respect to Group I, Group II, and Group III for the stated reasons.

Examination of claims 1-25 is next in order and such action is hereby earnestly solicited.

Respectfully submitted,

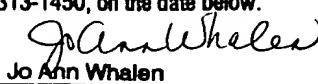
Date: November 3, 2003

  
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**Certificate of Mailing - 37 CFR 1.8(a)**

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November 3, 2003   
Date Jo Ann Whalen